IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3933 OF 1991
a/w Civil Application No.2/1997

Shri Krishnat Pandurang Apardh & ors. Petitioners
Vs
The State of Maharashtra and ors. .. Respondents

Mr S.V.Sadavarte, for the petitioners.
Mr V.S.Gokhale, AGP for the respondents.

CORAM : B.H.MARLAPALLE & D.B.BHOSALE,JJ.
DATE : APRIL 27, 2006.
PC:

1. The State Government sought to acquire the land admeasuring 2.02 Hectors from Gat No.1051-A of village Rui, Taluka-Hatkanangale, District-Kolhapur and the said action has been challenged in this petition.

2. As per the affidavit in reply filed by the Special Land Acquisition Officer No.12, the Award has already been declared on 30.3.1988. As per the petitioners' own contention, the agricultural land in Gat No.1051-A of village Rui is owned by Hajrat Gaibiso Pir Kagal and Bhogwatdars were Mohd Ismail and Yaseen Hussain Mujawar. The petitioners contend that their father Pandurang was the original tenant of the said land and the land was given for cultivation on rental basis to the petitioners. The ground for cultivation cannot be a reason to challenge the acquisition proceedings on any ground and if at all they are able to prove as the persons interested within

the meaning of section 30 of the Land Acquisition Act,1894 before the Competent Court they may claim some share in the compensation. There is no merit with the challenge raised to the acquisition proceedings.

3. Hence, the petition fails and same is hereby dismissed.

. The civil application does not survive and is dismissed.

(D.B.BHOSALE, J.) **(B.H.MARLAPALLE,J.)**